UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,605	02/12/2001	Kenneth L. Wright	DATCAR.003A	3816

20995	7590	01/12/2005

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EXAMINER
MIZRAHI, DIANE D

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/781,605	WRIGHT ET AL.
	Examiner	Art Unit
	DIANE D. MIZRAHI	2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 August 2004</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6 and 8-14</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-6 and 8-14</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>12 February 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

DIANE D. MIZRAHI
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) ☐ Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date <u>8-23-01</u>.	6) ☐ Other: _____ .

III. DETAILED ACTION

Claims 1-6, and 8-14 are presented for examination.

In response to Applicant's communication filed on August

23, 2004, regarding Claims 1-6, and 8-14 are presented for

examination. Claim 7 has been canceled.

Applicant's Information Disclosure Statement filed on

August 23, 2001 (has been considered and is attached with this

office action.

Applicant's arguments submitted on August 23, 2004 with

respect to claims 1-6 and 8-14 have been reconsidered but are

not deemed persuasive for the reasons set forth below.

Response to Applicant' Remarks

Examiner has completed a through study of Applicant's

amendment of August 23, 2004. Especially, Applicant's

amendments to claims 1-6, and 8-14 and remarks at pages 6-14 of

the Amendment of August 23, 2004 has been carefully studied and

reviewed.

Applicant's amendments to 1-6, and 8-14 further direct the

claimed invention a maintaining personal information system

related to a patient.

Examiner asserts that Teshima (U.S. Patent No. 6,272,470

and Teshima hereinafter) in combination with Zubeldia et al.

(U.S. Patent No. 6,397,244 and Zubeldia hereinafter) teaches

Applicant's claimed invention of maintaining personal

information system related to a patient. In addition, the

specially discussed feature of the claimed invention ("relating

to a patient", "patient" and "personal data") is very clearly

discussed in Teshima (Figure 6, elements 117, 115, and 109) see

also (col 3, lines 27-52; col 5, lines 7-34; col 6, lines 28-

50). Please note especially the details of the discussion of

patient card (col 6, lines 59-67 to col 7, lines 1-4) which are

made clear by the particular context of the specification of

Teshima. Teshima's concepts of information regarding a patient

including the "patient card" clearly shows the "relating to a

patient", "patient" and "personal data" feature. Examiner

asserts that Teshima in combination with Zubeldia teaches

Applicant's claimed invention of maintaining personal

information system related to a patient.

Although Applicant amended the claims with the newly

claimed limitations, "relating to a patient", "patient" and

"personal data" feature, Examiner asserts that these features

are clearly taught by Teshima in combination with Zubeldia with

the motivation to provide for obtaining records pertaining to a

single individual to be indentified, Zubeldia, (col 1, lines

39-40) for the purposes of linking patient transaction records

from different sources, e.g. radiological reports, pathology

reports, physician notes, and the like, Zubeldia, (col 2, lines

15-17) and to prevent confusion between two or more patients

sharing the same name or other personal identifiers Zubeldia,

(col 2, lines 23-25).

Regarding Claim 13, Applicant's newly amendment

limitation - "by the patient" to read as the claimed limitation,

"personal data is updateable by the patient using the Internet

web browser", is taught by Edwin C. Iliff, (US Patent No.

6,022,315 A and Iliff hereinafter). See below new rejection:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the

basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not
> identically disclosed or described as set forth in section 102
> of this title, if the differences between the subject matter
> sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time
> the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall
> not be negatived by the manner in which the invention was made.

Claims 13 and 14 are rejected under 35 U.S. C. 103(a) as being

unpatentable over Teshima (U.S. Patent # 6,272,470) and Feinberg

(U.S. Patent # 6,415,295) in view of Edwin C. Iliff, (US Patent No.

6,022,315 A and Iliff hereinafter).

As to Claim 13, Teshima discloses a portable optical disk (see

column 10, lines 17-21, optical card, which reads on portable optical

disk) comprising personal data, wherein the personal data comprises

demographics (see column 1, lines 17-21, name address), medical data

(see column 1, lines 6-8) and conditions of admission (see column 3,

lines 16-26, consultation record) in formats including text, images,

audio, and video (see column 9, lines 40-50, in consulting records

still image, motion picture, voice, chart, and list can therefore be

handled) wherein the portable optical disk is readable from an

optical disk drive (see column 10, lines 1721) using an Internet web

browser interface (see column 9, lines 40-53).

Teshima does not teach wherein the personal data comprises

living will and power of attorney.

Feinberg teaches wherein the personal data comprises living will

and power of attorney (see column 5, lines 39-53, living will reads

on donor, power of attorney reads on directives).

Therefore, it would have been obvious to a person having

ordinary skill in the art at the time the invention was made to have

modified Teshima wherein the personal data comprises living will and

power of attorney.

It would have been obvious to a person of ordinary skill in the

art at the time of Applicant's invention to modify the teachings of

Teshima with the teachings of Feinberg wherein the personal data

comprises living will and power of attorney because it allows access

to medical information in case of emergency (Feinberg column 1, lines

57-60).

Regarding Applicant's new claimed limitation of --

"uniformly accessible manner and wherein the personal data

residing on the database management server can be updated using an

Internet web browser interface" and "wherein . . . updateable ....

Internet web . . ."

Teshima teaches the claimed, "…uniformly accessible manner"

(i.e. copy file in patient card) (Figure 9, #151) ". . . server . . .

" (col 16,lines 50-59)… "... updating ... " (i.e. When the patient

has come for the first medical care, the "new creation mode" is

selected to form an input table of consultation records based on the

basic information stored in the patient card. At this time, the name

of a medical institution, the year and date of occurrence, and an

examining doctor's name are automatically registered and displayed)

(col 16, lines 12-26) and "optical disk... " (i.e. CD-ROM, floppy

disk, portable disk, mini-disk, or magneto-optical disk, files are

used according to the DOS format that conforms to the ISO standards

and is a de facto standard format and can be constructed as a file

system (col 10, lines 11-16). (See Also, (i.e. an image server 2,

and two electronic clinical recording systems 3 are interconnected on

a local area network (LAN) 4 on the premises. In the other hospital

B, an electronic clinical recording system 3 is connected on a local

area network (LAN) 4 on the premises. The LANs 4 in hospitals A and B

are linked to the Internet 5, whereby both the LANs can communicate

with each other) (col 6,lines 49-58) and the claimed limitation of

"subscriber" (i.e. inputting login names and passwords, a method of

reading operator ID cards, a method of inputting operator's

fingerprints, and a method of specifying operator's faces through

taking photographs thereof with cameras etc. (col 16, lines 1-8)).

**Regarding Applicant's newly claimed limitation (Amendment dated
August 23, 2004) --**

Teshima and Feinberg do not expressly teach the claimed,

"personal data is updateable by the patient using the Internet web

browser".

Iliff teaches, the claimed, "personal data is updateable by the

patient using the Internet web browser" (i.e. For the CD-ROM version

of MDATA, let patients conduct diagnostic sessions solely on their

own computer .. . use the Internet administratively to communicate

with patients for updates, questions, special consultations, HMO

administration, and so on.)   (<u>Detailed Description Text</u> , paragraph

689).

It would have been obvious to a person of ordinary skill in the

art at the time of Applicant's invention to modify the teachings of

Teshima and Feinberg with the teachings of Iliff to include the

claimed, "personal data is updateable by the patient using the

Internet web browser" with the motivation to provide for computerized

service that answers health care questions and advises people in

their homes (Iliff, (BACKGROUND OF THE INVENTION, paragraph 8) and

to provide with equal access to high quality, 100%-consistent medical

advice at a reasonable cost   (Iliff, (BACKGROUND OF THE INVENTION,

paragraph 14).

As to Claim 14, Teshima discloses a personal data management

system comprising: a portable optical disk (see column 10, lines

17-21, optical card, which reads on portable optical disk) comprising

demographics (see column 1, lines 17-21, address), medical data (see

column 1, lines 6-8), living will, power of attorney, and conditions

of admissions (see column 3, lines 16-26, consultation record) in

formats including text, images, audio, and video (see column 9, lines

40-50, in consulting records still image, motion picture, voice,

chart, and list can therefore be handled) wherein the portable

optical disk is readable from an optical disk drive (see column 10,

lines 17-21) using an Internet web browser (see column 9, lines 40-53); and a database management server comprising an optical disk writer and a database wherein the database contains the personal data to be written to the portable optical disk using the optical disk writer (see Fig 1, image database, contains images to be recorded on the card).

Teshima does not teach wherein the personal data comprises living will and power of attorney.

Feinberg teaches wherein the personal data comprises living will and power of attorney (see column 5, lines 39-53, living will reads on donor, power of attorney reads on directives).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Teshima wherein the personal data comprises living will and power of attorney.

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Teshima with the teachings of Feinberg wherein the personal data comprises living will and power of attorney because it allows access to medical information in case of emergency (Feinberg column 1, lines 57-60).

Regarding Applicant's newly claimed limitation (Amendment dated

August 23, 2004) -- *"relating to a patient" and "by the patient":*

Teshima teaches the claimed, "relating to a patient" and "by the

patient", (col 3, lines 27-52; col 5, lines 7-34; col 6, lines 28-50).

Applicant is inaccurate for the reasons explicitly stated in the

Office Action of February 19, 2004. (*Please see the next section*)

(Note: Examiner has already discussed Applicant's newly claimed limitations from

Amendment dated August 23, 2004 above).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S. C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in(1) an application for patent, published under section 122(b),
by another filed in the United States before the invention by the applicant for patent, except
that an international application filed under the treaty defined in section 351 (a) shall have
the effect under this subsection of a national application published under section 122(b) only if
the international application designating the United States was published under Article 21(2)(a)
of such treaty in the English language; or (2) a patent granted on an application for patent by
another filed in the United States before the invention by the applicant for patent, except that
a patent shall not be deemed filed in the United States for the purposes of this subsection based
on the filing of an international application filed under the treaty defined in section 3 51(a).

Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by <u>Teshima</u> (U.S. Patent #

6,272,470).

As to Claim 12, <u>Teshima</u> discloses a system for maintaining personal data, the system comprising:

entering means for entering personal data (see Fig. 6, 120, write consultation records in a patient

card); storing means for storing the personal data (see fig. 6, 1116 record name of consulting

physician); accessing means for accessing the stored personal data (see fig. 6, 116 can select a

consultation report from a list) wherein the accessing means comprises a PC with an optical disk drive

(see Fig. 1, 11) and an Internet web browser (see column 9, lines 40-53); transferring means for

transferring the stored personal data between the entering means and the storing means in a secure mode

(see column 8, lines 1-15, operators id is recorded and data encrypting/decrypting makes network safe);

and updating means for updating the stored personal data (see column 5, lines 26-34, the updated

consultation record is then written in the patient card and stored therein)wherein the updating means

comprises using the Internet web browser (see column 9, lines 40-53).

> *Regarding Applicant's new claimed limitation of* --

uniformly accessible manner . . .   and   . . . that interacts with the storing means so as to

allow viewing of the stored personal data . . . --

Teshima teaches the claimed limitation of "uniformaly accessible manner" (i.e. copy file in

patient card) (Figure 9, #151) and the claimed limitation of "that interacts with the storing means so

as to allow viewing of the stored personal data" (i.e. activate viewer) (Figure 10).

> *Examiner's Comment:*

Regarding Applicant's comment that "Teshima contains no teaching using an internet browser to

update patient data", Examiner asserts that Teshima teaches the claimed limitation, (i.e.   internet .... On

the WWW browser) (col 14, lines 9-25) and " updating means.... " (i.e. When the position of ."blood

pressure data" on the WWW browser is clicked with the mouse button, the WWW browser requests the

establishment of a HTTP connection to the image server of the hospital A.) (Teshima, col 15, lines 3-

29). Therefore, Examiner asserts that Teshima does anticipate Claim 12 and respectfully asserts that

Claim 12 is not in condition for allowance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought
> to be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

4.   Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Teshima</u> (U.S. Patent #

6,272,470) in view of Zubeldia et al. (U.S. Patent # 6,397,224).

As to Claim 1, Teshima discloses a personal information system, comprising: a subscriber

computer with an optical disk drive (see column 10, lines 17-21,in case of the optical card, data is

input or output by way of a dedicated device driver); a portable optical disk readable by the optical

disk drive (see column 10, lines 17-21, optical card, which reads on portable optical disk); a database

management server comprising a database (see column 2, lines 15-20, medical information database) and an

optical disk writer (see Fig 2, 13 optical input / output unit) wherein the optical disk writer writes

the personal data to the portable optical disk (see column 1 lines 17-21 name address blood type etc are stored in the patient card).

   Regarding Applicant's new claimed limitation of --

   interacts with the subscriber computer so as to allow viewing of . . . wherein the Internet browser interacts with the database management server so as to allow updating of . . . --

   Teshima teaches the claimed limitation of "interacts with the subcriber computer so as to allow viewing of . . . wherein the Internet browser interacts with the database management server so as to allow updating of" (i.e. an image server 2, and two electronic clinical recording systems 3 are interconnected on a local area network (LAN) 4 on the premises. In the other hospital B, an electronic clinical recording system 3 is connected on a local area network (LAN) 4 on the premises. The LANs 4 in hospitals A and B are linked to the Internet 5, whereby both the LANs can communicate with each other) (col 6,lines 49-58) and the claimed limitation of "subscriber" (i.e. inputting login names and passwords, a method of reading operator ID cards, a method of inputting operator's fingerprints, and a method of specifying operator's faces through taking photographs thereof with cameras etc.` (col 16, lines 1-8).

   As to Claim 2, Teshima as modified discloses wherein the personal data to be stored on the portable optical disk is selectable using the subscriber interface (see fig. 6, 113 can select a consultation report from a list).

   As to Claim 3, Teshima as modified does not teach wherein the personal data is transferred between the subscriber computer and the database management server in an HIPAA compliant mode.

   Zubeldia et al. teaches wherein the personal data is transferred between the subscriber computer and the database management server in an HIPAA compliant mode (see fig 1 and 2, subscriber computer reads on 18, and database server 84, as it creates encoded identity reference from the input to the output data).

   Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Teshima as modified wherein the personal data is transferred between the subscriber computer and the database management server in an HIPAA compliant mode.

   It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Teshima as modified with the teachings of Zubeldia et al wherein the personal data is transferred between the subscriber computer and the database management server in an HIPAA compliant mode because the HIPAA establishes severe penalties for "wrongful disclosure" of health information that is individually identifiable. (Zubeldia et al. column 1, lines 57-60).

   As to Claim 4, Teshima as modified discloses wherein the transfer of personal data between the subscriber computer and the database management server can be initiated by either the subscriber

computer or the database management server (see column 16, lines 37-67 and column 17, lines 1-33, image

data can be initiated by the physician for consultation and the image data can also be film digitalized

and downloaded to the server where image data reads on personal data) the data transfer occurring either

in a real-time mode or a batch mode (see column 5, lines 26-34,the consultation records are stored into

the patient card at any time or as a batch job).

As to Claim 5, Teshima as modified discloses wherein the personal data comprises text, image,

audio, and video data (see column 9, lines 40-50, in consulting records still image, motion picture,

voice, chart, and list can therefore be handled).

As to Claim 6, Teshima discloses method of maintaining personal data on a portable optical disk

(see column 10, lines 17-21), the method comprising: writing the personal data onto the portable optical

disk wherein the portable optical disk is readable from an optical disk drive (see column 10, lines

17-21) using an Internet web browser interface; and delivering the portable optical disk to a subscriber

(delivering the disk can be accomplished by handing the card to a patient or by mail which is well

known).

Zubeldia et al. teaches entering personal data onto a database management server wherein the

personal data is stored in the database management server (see fig 2, database server

54, as identifying element of the input data must be entered in the database and column 5, lines 26-34,

a name, a birth date, an address, a ZIP code, a telephone number, a healthcare identifier).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Teshima to include entering personal data onto a database

management server wherein the personal data is stored in the database management server.

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's

invention to modify the teachings of Teshima with the teachings of Zubeldia et al to include entering

personal data onto a database management server wherein the personal data is stored in the database

management server because it allows to identify an individual to whom the patient record pertains to

(Zubeldia et al. column 5, lines 26-34).

Regarding Applicant's new claimed limitation of --

"uniformly accessible manner and wherein the personal data residing on the database management

server can be updated using an Internet web browser interface" and "optical disk writer…"

Teshima teaches the claimed, "…uniformly accessible manner" (i.e. copy file in patient card)

(Figure 9, #151) ". . . server . . . " (col 16,lines 50-59)… "... updating ... " (i.e. When the patient

has come for the first medical care, the "new creation mode" is selected to form an input table of

consultation records based on the basic information stored in the patient card. At this time, the name

of a medical institution, the year and date of occurrence, and an examining doctor's name are

automatically registered and displayed) (col 16, lines 12-26) and "optical disk... " (i.e. CD-ROM,

floppy disk, portable disk, mini-disk, or magneto-optical disk, files are used according to the DOS

format that conforms to the ISO standards and is a de facto standard format and can be constructed as a

file system (col 10, lines 11-16).

As to Claim 7, *(NOW CANCELED AS PER AMENDMENT OF 6-2-03)*

*(Teshima_as modified discloses wherein the personal data residing on the database management
server can be updated using the Internet web browser interface (see Fig. 1, if an Xray is taken at
Hospital B then only way to store the digitalized film is to go through the internet and see column 16,
lines 37-67 and column 17, lines 1-33, the image data can also be film digitalized and downloaded to the
server where image data reads on personal data).*

As to Claim 8, Teshima as modified discloses wherein the personal data to be updated is

selectable by the subscriber (see fig. 6, 113 can select consultation report from a list to be updated).

As to Claim 9, Teshima as modified does not teach wherein entering, writing, and updating the

personal data are in an HIPAA compliant mode.

Zubeldia et al. teaches wherein entering, writing, and updating the personal data are in an

HIPAA compliant mode (see column 7, lines 17-49, new records are assigned a new code and update records

reuse the same code).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Teshima as modified wherein entering, writing, and updating the

personal data are in an HIPAA compliant mode.

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's

invention to modify the teachings of Teshima as modified with the teachings of Zubeldia et al wherein

entering, writing, and updating the personal data are in an HIPAA compliant mode because the HIPAA

establishes severe penalties for "wrongful disclosure" of health information that is individually

identifiable. (Zubeldia et al. column 1, lines 57-60).

As to Claim 10, Teshima as modified discloses using the portable optical disk at any

healthcare service center to prevent repetitious registration process at different healthcare service

center sites (see Fig. 1, same patient card can be used at Hospital A and B without further

registration).

As to Claim 11, Teshima as modified discloses wherein the portable optical disk is created at

the health care service center site (see column 3, lines 27-52, an individual keeps a portable storage

medium functioned as a clinical recording as a health care/medical care card when consulting at a

medical institution implies the card must be created at or with the consent of the health care service

center as the card must conform to HTML or SGNIL formats).

Examiner's Comment:

Regarding Applicant's comment that Teshima and Zubelida does not teach the claimed, "the internet browers … ", Examiner asserts that this limitation has already been addressed in the rejection above. In addition, please note (i.e.   internet ….On the WWW browser) (col 14, lines 9-25) and " updating means…. " (i.e. When the position of "blood pressure data" on the WWW browser is clicked with the mouse button, the WWW browser requests the establishment of a HTTP connection to the image server of the hospital A.) (Teshima, col 15, lines 3-29). Therefore, Claims 1-6 and 8-11 are not allowable over the prior art made of record.

Claims 13 and 14 are rejected under 35 U.S. C. 103(a) as being unpatentable over Teshima (U.S. Patent # 6,272,470) in view of Feinberg (U.S. Patent # 6,415,295).

As to Claim 13, Teshima discloses a portable optical disk (see column 10, lines 17-21, optical card, which reads on portable optical disk) comprising personal data, wherein the personal data comprises demographics (see column 1, lines 17-21, name address), medical data (see column 1, lines 6-8) and conditions of admission (see column 3, lines 16-26, consultation record) in formats including text, images, audio, and video (see column 9, lines 40-50, in consulting records still image, motion picture, voice, chart, and list can therefore be handled) wherein the portable optical disk is readable from an optical disk drive (see column 10, lines 1721) using an Internet web browser interface (see column 9, lines 40-53).

Teshima does not teach wherein the personal data comprises living will and power of attorney.

Feinberg teaches wherein the personal data comprises living will and power of attorney (see column 5, lines 39-53, living will reads on donor, power of attorney reads on directives).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Teshima wherein the personal data comprises living will and power of attorney.

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Teshima with the teachings of Feinberg wherein the personal data comprises living will and power of attorney because it allows access to medical information in case of emergency (Feinberg column 1, lines 57-60).

Regarding Applicant's new claimed limitation of --

"uniformly accessible manner and wherein the personal data residing on the database management server can be updated using an Internet web browser interface" and "wherein . . .   updateable …. Internet web . . .."

Teshima teaches the claimed, "…uniformly accessible manner" (i.e. copy file in patient card) (Figure 9, #151) ". . . server . . . " (col 16,lines 50-59)… "... updating ... " (i.e. When the patient has come for the first medical care, the "new creation mode" is selected to form an input table of consultation records based on the basic information stored in the patient card. At this time, the name of a medical institution, the year and date of occurrence, and an examining doctor's name are automatically registered and displayed) (col 16, lines 12-26) and "optical disk... " (i.e. CD-ROM, floppy disk, portable disk, mini-disk, or magneto-optical disk, files are used according to the DOS format that conforms to the ISO standards and is a de facto standard format and can be constructed as a file system (col 10, lines 11-16). (See Also, (i.e. an image server 2, and two electronic clinical recording systems 3 are interconnected on a local area network (LAN) 4 on the premises. In the other hospital B, an electronic clinical recording system 3 is connected on a local area network (LAN) 4 on the premises. The LANs 4 in hospitals A and B are linked to the Internet 5, whereby both the LANs can communicate with each other) (col 6,lines 49-58) and the claimed limitation of "subscriber" (i.e. inputting login names and passwords, a method of reading operator ID cards, a method of inputting operator's fingerprints, and a method of specifying operator's faces through taking photographs thereof with cameras etc. (col 16, lines 1-8)).

Examiner's Comment:

Regarding Applicant's comment that Teshima and Zubelida does not teach the claimed, "said personal data … internet web browser ", Examiner asserts that this limitation has already been addressed in the rejection above. In addition, please note (i.e.   internet …. On the WWW browser) (col 14, lines 9-25) and " updating means…. " (i.e. When the position of "blood pressure data" on the WWW browser is clicked with the mouse button, the WWW browser requests the establishment of a HTTP connection to the image server of the hospital A.) (Teshima, col 15, lines 3-29). See Also, (i.e. the examined image data registered into the consultation records is updated., Teshima, col 16, lines 50-59).

As to Claim 14, Teshima discloses a personal data management system comprising: a portable optical disk (see column 10, lines 17-21, optical card, which reads on portable optical disk) comprising demographics (see column 1, lines 17-21, address), medical data (see column 1, lines 6-8), living will, power of attorney, and conditions of admissions (see column 3, lines 16-26, consultation record) in formats including text, images, audio, and video (see column 9, lines 40-50, in consulting records still image, motion picture, voice, chart, and list can therefore be handled) wherein the portable optical disk is readable from an optical disk drive (see column 10, lines 17-21) using an Internet web browser (see column 9, lines 40-53); and a database management server comprising an optical disk writer and a database wherein the database contains the personal data to be written to the portable optical disk using the optical disk writer (see Fig 1, image database, contains images to be recorded on the card).

Teshima does not teach wherein the personal data comprises living will and power of attorney.

Feinberg teaches wherein the personal data comprises living will and power of attorney (see column 5, lines 39-53, living will reads on donor, power of attorney reads on directives).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Teshima wherein the personal data comprises living will and power of attorney.

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Teshima with the teachings of Feinberg wherein the personal data comprises living will and power of attorney because it allows access to medical information in case of emergency (Feinberg column 1, lines 57-60).

<u>Regarding Applicant's new claimed limitation of --</u>

"personal data store…. Uniformly accessible . . . wherein . . . database management server . . . updateable . . . web browser . . ."

Regarding these limitation noted above, these limitations are similar in scope to the rejected claims above and are therefore rejected as set forth above.

Examiner asserts that Barber and Teshima and Zubeldia in combination with Feinberg teaches Applicant's invention.

Examiner's Comment:

Regarding Applicant's comment that Teshima and Zubelida does not teach the claimed, "said personal data … internet web browser ", Examiner asserts that this limitation has already been addressed in the rejection above. In addition, please note (i.e.   internet …. On the WWW browser) (col 14, lines 9-25) and " updating means…. " (i.e. When the position of "blood pressure data" on the WWW browser is clicked with the mouse button, the WWW browser requests the establishment of a HTTP connection to the image server of the hospital A.) (Teshima, col 15, lines 3-29). See Also, (i.e. the examined image data registered into the consultation records is updated., Teshima, col 16, lines 50-59).

Applicant's remarks are considered moot, and does not place the application in condition for allowance. Examiner believes that claims 1-6 and 8-14 are not allowable over the prior art of record.

Examiner's Comments Regardings Remarks by Applicant

Argument 1, Regarding Applicant's Information Disclosure Statement (IDS) filed on August 23, 2001, Examiner has considered Applicant's IDS (see attached with this office action).

Argument 2, of Applicant's remarks, page 7) regarding Applicant's statement "updating of the stored personal data by the patient" and "database management server", Examiner notes that "database management server" (i.e. the Internet browser interacts with the database management server so as to allow updating of image server 2 and two electronic clinical recording system 3 which are interconnected on the local are network (LAN) 4 on the premises. Hospital B and electronic clinical recording system 3 are connected on the local area network (LAN) on the premises. The LANs in hospital A and B are linked to the Internet 5, whereby both the LANs can communicate with each other) (col 6, lines 49-58) is taught by Teshima. Applicant's limitations is clearly taught by Teshima in combination with Zubeldia such that the statement "updating of the stored personal data by the patient" is taught by Teshima (i.e. by the database update module 76) Teshima, col 11, lines 47-51,) and Zubeldia (i.e. update record is automatically... when the name of the consulting physician is different from the previous one reads on

updating of the stored person data by the patient) and (Zubeldia,

col 7, lines 39-54).   Therefore, Examiner believes the limitations

noted in the remarks, "database management server" and "updating of

the stored personal data by the patient" have been addressed above.

Teshima and Zubeldia does not teach away from Applicant's claimed

invention.

Argument 3, Regarding Applicant's comment "server…. Interacts

with Internet web browser", Teshima teaches the limitation which is

read by WWW browser request the image server (col 13, lines 10-47).

Also, image data can be inititated by the physician for consultation

and the image data can be film digitalized and downloaded t the

server where the image data reads on personal data (Teshima, col 16,

lines 37-67 and col 17, lines 1-33) and data transfer occurring in a

real-time mode or a batch mode (Teshima, col 5, lines 26-34).

Examiner asserts that the image server is connected to the database

which is connected to the internet which reads on the database

management server (Figure 1) such that hospital A, image server are

interconnected on the local area network on the premises…hospital B

is connected on the local area network… the local area networks in

hospital A and B are linked to the internet whereby both the LANs

can communicate with each other, Teshima, (col 6, lines 49-58).

Argument 4, Regarding Teshima and Zubeldia do not teach the

claimed newly amended claim 1 limitation, "the Internet   browser

interacts with the database management server so as to allowing

updating, by the patient, of the personal data stored on the

database management server".

Examiner asserts that Teshima teaches "the Internet browser

interacts with the database management server" which reads on WWW

browser requests the image server at hospital A... (col 13, lines 10-

23) Teshima teaches "so to allow updating by the patient" which

reads on the main complaint of a patient is the allowing updating by

the patient, because if the patient did not complain about a medical

condition there would be no updating (Teshima, col 11, lines 13-14),

see also in particular, (col 16, lines 15-25) "of the personal data

stored on the database management server" which Teshima teaches

reads on MR exam... WWW browser requests the image server at hospital

A...to establish an FTP connection...image server activates ... to

establish a communication connection.... A user command is transmitted

and login is ...the identifier indicates images...an image viewer is

activated to display file contents... examination related images in

the image server at hospital A can be referenced (Teshima, col 13,

lines 10-24). Examiner asserts that Teshima teaches Applicant's

claimed invention.

Argument 5, Regarding Applicant's claimed, "personal data is

updatable by the patient using the Internet web browser", Iliff

teaches, the claimed, "personal data is updateable by the patient

using the Internet web browser" (i.e. For the CD-ROM version of MDATA, let patients conduct diagnostic sessions solely on their own computer .. . use the Internet administratively to communicate with patients for updates, questions, special consultations, HMO administration, and so on.) (<u>Detailed Description Text</u> , paragraph 689).

<u>Argument 6,</u> Accordingly, Examiner has reconsidered Applicant's remarks and maintains the rejection of claims 1-6 and 8-14 as set forth above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Other Prior Art Made of Record

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions. Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at http://www.uspto.gov/ebc/index.html or 1-866-217-9197.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is (703) 305-3806. The examiner can normally be reached on Monday-Thursday.

   If attempts to reach the examiner by telephone are unsuccessful,

the examiner's supervisor, Dov Popovici can be reached on (703) 305-

3830. The fax phone numbers for the organization where this

application or proceeding is assigned are (703) 305-9000 for regular

communications and (703) 305-9000 for After Final communications.

   Any inquiry of a general nature or relating to the status of

this application or proceeding should be directed to the receptionist

whose telephone number is (703) 305-9001.

Diane Mizrahi
Primary Patent Examiner
Technology Center 2100

December 22, 2004